



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1993

Ms. Alesia L. Sanchez
Legal Assistant
Legal Services, 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR93-136

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.¹). Your request was assigned ID# 19327.

The above-referenced Open Records request concerns materials in the possession of the Insurance Fraud Unit of the Department of Insurance. Section 5(a) of article 1.10D of the Insurance Code provides that materials "acquired by the department [and] relevant to an inquiry by the insurance fraud unit" are not public records "for as long as the commissioner considers reasonably necessary to complete the investigation, protect the person under investigation from unwarranted injury, or serve the public interest."

In enacting section 5(a) of article 1.10D, the legislature chose to grant the commissioner, rather than the attorney general, the authority to decide if the requested information is confidential. You have deemed the documents at issue in this request as confidential in accordance with section 5(a). Accordingly, such materials are confidential, and are exempt from disclosure under section 552.101 of the Government Code (former section 3(a)(1) of the Open Records Act).

¹We note that V.T.C.S. article 6252-17a was repealed by the 73d Legislature. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Rebecca L. Payne". The signature is fluid and cursive, with the first name "Rebecca" being more prominent.

Rebecca L. Payne
Section Chief
Open Government Section

RLP/RWP/rho

Ref: ID# 19327

cc: Ms. Nina Jordan
Profile Services, Inc.
1111 West Mockingbird Lane
Fourth Floor
Dallas, Texas 75247